

**UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

In re

Chapter 9

CITY OF DETROIT, MICHIGAN,

Case No. 13-53846

Debtor.

Hon. Steven W. Rhodes

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**DWSD PARTIES' STATEMENT IN RESPONSE TO COURT'S  
ORDER REGARDING IDENTIFYING LEGAL ISSUES  
RELATING TO CONFIRMATION**

U.S. Bank National Association, as Indenture Trustee (the "Trustee") for the DWSD Bonds, National Public Finance Guarantee Corporation ("National"), Assured Guaranty Municipal Corp., formerly known as Financial Security Assurance Inc. ("Assured"), Berkshire Hathaway Assurance Corporation ("BHAC"), Financial Guaranty Insurance Company ("FGIC") and the Ad Hoc Bondholder Committee<sup>1</sup> (together with the Trustee, National, Assured, BHAC, and FGIC, the "DWSD Parties"), hereby file this joint statement in response to the Court's *Order Regarding Identifying Legal Issues Relating to Confirmation* [Doc. No. 5021].

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<sup>1</sup> The Ad Hoc Bondholder Committee members, Fidelity Management & Research Company, Eaton Vance Management, Franklin Advisers, Inc., Nuveen Asset Management, and BlackRock Financial Management, Inc., through various institutional funds they or their affiliates manage, hold DWSD Bonds.

The plan objections filed individually by each of the DWSD Parties<sup>2</sup> raise numerous substantial mixed questions of law and fact that cannot be determined without the necessity of proof at the confirmation hearing. Accordingly, the DWSD Parties have served written discovery and deposition notices to obtain evidence in support of their plan objections, and will call both fact and expert witnesses at trial.

Pursuant to the Court's *Order Regarding Adjourned Status Conference* [Doc. No. 5020], the DWSD Parties will be prepared to present to the Court at the May 28, 2014 hearing an overview of the issues and areas of documentary and testimonial evidence they currently envision presenting at the confirmation hearing in response to the City's opening case in regard to the plan confirmation requirements under sections 943(b) and 1129(a) and (b). These plan confirmation requirements include section 943(b)(7)'s best interests of creditors test, section 943(b)(4)'s requirement that the City is not prohibited by law from carrying out the Plan, section 943(b)(2)'s requirement that the Plan comply with the provisions of chapter 9 (which includes section 928(a)), section 943(b)(6)'s requirement regarding necessary electoral approval, section 1129(a)(3)'s good faith requirement, section 1129(a)(6)'s requirement regarding rate approvals, and the

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<sup>2</sup> The DWSD Parties' plan objections have the following docket numbers: the Trustee [Doc. No. 4647], National [Doc. No. 4665], Assured [Doc. No. 4674], BHAC [Doc. No. 4657], FGIC [Doc. No. 4660], and the Ad Hoc Bondholder Committee [Doc. No. 4671].

cramdown requirements of section 1129(b)(1) and (2) (fair and equitable and unfair discrimination). As the City bears the burden of proof on all these issues, the DWSD Parties request that the presentation of the DWSD parties follow: (1) the status conference on the outstanding issues with respect to the City's document production, and (2) the City's opening presentation.

Dated: May 27, 2014

Respectfully submitted,

Jeffrey E. Bjork  
Gabriel R. MacConaill  
SIDLEY AUSTIN  
555 West Fifth Street, Suite 4000  
Los Angeles, CA 90013  
Telephone: (213) 896-6000  
[jbjork@sidley.com](mailto:jbjork@sidley.com)  
[gmacconail@sidley.com](mailto:gmacconail@sidley.com)

James F. Bendernagel, Jr.  
Guy S. Neal  
1501 K Street, N.W.  
Washington, D.C. 20005  
Telephone: (202) 736-8041  
[jbendernagel@sidley.com](mailto:jbendernagel@sidley.com)  
[gneal@sidley.com](mailto:gneal@sidley.com)

-and-

**JAFFE RAITT HEUER & WEISS,  
P.C.**

By: /s/ Paul R. Hage  
Paul R. Hage (P70460)  
27777 Franklin Road, Suite 2500  
Southfield, MI 48034-8214  
Telephone: (248) 351-3000  
[phage@jaffelaw.com](mailto:phage@jaffelaw.com)

/s/ Lawrence A. Larose  
Lawrence A. Larose  
Samuel S. Kohn  
Robert A. Schwinger  
CHADBOURNE & PARKE LLP  
30 Rockefeller Plaza  
New York, NY 10012  
Telephone: (212) 408-5100  
Fax: (212) 541-5369  
[llarose@chadbourne.com](mailto:llarose@chadbourne.com)  
[skohn@chadbournrne.com](mailto:skohn@chadbournrne.com)  
[rschwinger@chadbourne.com](mailto:rschwinger@chadbourne.com)

-and -

Robin D. Ball  
CHADBOURNE & PARKE LLP  
350 South Grand Ave., 32nd Floor  
Los Angeles, CA 90071  
Telephone: (213) 892-2025  
Fax: (213) 892-2045  
[rball@chadbourne.com](mailto:rball@chadbourne.com)

*Counsel for Assured Guaranty  
Municipal Corp.*

*Counsel for National Public Finance  
Guarantee Corp.*

/s/ David E. Lemke

David E. Lemke (TN13586)  
Michael R. Paslay (TN11092)  
Ryan K. Cochran (TN25851)  
Courtney M. Rogers (TN25664)  
WALLER LANSDEN DORTCH &  
DAVIS, LLP  
511 Union Street, Suite 2700  
Nashville, Tennessee 37219  
Telephone: (615) 244-6380  
Fax: (615) 244-6804  
[david.lemke@wallerlaw.com](mailto:david.lemke@wallerlaw.com)  
[mike.paslay@wallerlaw.com](mailto:mike.paslay@wallerlaw.com)  
[ryan.cochran@wallerlaw.com](mailto:ryan.cochran@wallerlaw.com)  
[courtney.rogers@wallerlaw.com](mailto:courtney.rogers@wallerlaw.com)

– and –

Robert J. Diehl, Jr. (MI31264)  
Jaimee L. Witten (P70068)  
BODMAN PLC  
1901 St. Antoine Street, 6th Floor  
Detroit, Michigan 48226  
Telephone: (313) 393-7597  
Fax: (313) 393-7579  
[rdiehl@bodmanlaw.com](mailto:rdiehl@bodmanlaw.com)  
[jwitten@bodmanlaw.com](mailto:jwitten@bodmanlaw.com)

*Attorneys for U.S. Bank National  
Association, as Indenture Trustee for  
the DWSD Bonds*

/s/ William W. Kannel

William W. Kannel  
Adrienne K. Walker  
MINTZ, LEVIN, COHN, FERRIS,  
GLOVSKY and POPEO, P.C.  
One Financial Center  
Boston, Massachusetts 02111  
Telephone: (617) 542-6000  
Fax: (617) 542-2241  
[wwkannel@mintz.com](mailto:wwkannel@mintz.com)  
[awalker@mintz.com](mailto:awalker@mintz.com)

– and –

ANDREW J. GERDES, P.L.C.  
Andrew J. Gerdes  
321 W. Lake Lansing Road  
P.O. Box 4190  
East Lansing, Michigan 48826-4190  
Telephone: (517) 853-1300  
Fax: (517) 853-1301  
[agerdes@gerdesplc.com](mailto:agerdes@gerdesplc.com)

*Attorneys for Fidelity Management &  
Research Company, Eaton Vance  
Management, and Franklin Advisers,  
Inc., members of the Ad Hoc  
Bondholder Committee*

/s/ Amy Caton

Amy Caton  
Gregory Horowitz  
KRAMER LEVIN NAFTALIS &  
FRANKEL, LLP  
1177 Avenue of the Americas  
New York, New York 10036  
Telephone: (212) 715-9100  
Fax: (212) 715-8000  
[acaton@kramerlevin.com](mailto:acaton@kramerlevin.com)  
[ghorowitz@kramerlevin.com](mailto:ghorowitz@kramerlevin.com)

– and –

STEINBERG SHAPIRO & CLARK  
Mark H. Shapiro  
25925 Telegraph Road  
Suite 203  
Southfield, Michigan 48033  
Telephone: (248) 352-4700  
Fax: (248) 352-4488  
[Shapiro@steinbergshapiro.com](mailto:Shapiro@steinbergshapiro.com)

*Attorneys for Nuveen Asset  
Management, and BlackRock Financial  
Management, Inc., members of the Ad  
Hoc Bondholder Committee*

/s/ My Chi To

My Chi To  
DEBEVOISE & PLIMPTON LLP  
919 Third Avenue  
New York, New York 10022  
Telephone: (212) 909-7435  
Fax: (212) 909-6836  
[mcto@debevoise.com](mailto:mcto@debevoise.com)

*Attorneys for Berkshire Hathaway  
Assurance Corporation*

/s/ Alfredo R. Pérez

Alfredo R. Pérez  
WEIL, GOTSHAL & MANGES LLP  
700 Louisiana Street, Suite 1600  
Houston, TX 77002  
Telephone: (713) 546-5000  
Facsimile: (713) 224-9511  
[alfredo.perez@weil.com](mailto:alfredo.perez@weil.com)

– and –

Ernest J. Essad Jr.  
Mark R. James  
WILLIAMS, WILLIAMS, RATTNER  
& PLUNKETT, P.C.  
280 North Old Woodward Avenue,  
Suite 300  
Birmingham, MI 48009  
Telephone: (248) 642-0333  
Facsimile: (248) 642-0856  
[EJEssad@wvrplaw.com](mailto:EJEssad@wvrplaw.com)  
[mrjames@wvrplaw.com](mailto:mrjames@wvrplaw.com)

*Attorneys for Financial Guaranty  
Insurance Company*